

# **SCHOOLS (CONSULTATION) (SCOTLAND) ACT 2010**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### *General*

#### *Schedule 2 – Relevant consultees*

84. This schedule is also introduced by section 2. Paragraphs 1 to 10 list the relevant consultees – the people and bodies whom the authority must consult – for each of the categories of proposal set out in paragraphs 1 to 10 of schedule 1. The list of relevant consultees are set out in this schedule in parallel to the schedule 1 list of proposals (adopting the same numbering) and each paragraph therein reads across to the corresponding paragraph in schedule 1 – for example, a local authority must consider those listed in paragraph 1 of schedule 2 as relevant consultees when they are consulting on a proposal set out in paragraph 1 of schedule 1.
85. The lists of consultees set out in respect of the 23 categories of proposal in the 1981 Regulations have been extended in this Act. The Scottish Schools (Parental Involvement) Act 2006 amended the 1981 Regulations by adding the requirement to consult Parent Councils (or Combined Parent Council) in appropriate places. Several entirely new categories of consultee are included in this schedule – namely the staff and pupils at affected schools, community bodies (the community council and community planning partnership), trade unions representative of staff at any affected schools, Bòrd na Gàidhlig, other users of any affected schools, and other education authorities, as the authority considers appropriate.

#### *Those to be consulted on proposals relating to schools (paragraphs 1 to 9)*

86. For the first 9 out of the 10 proposals (which cover all the proposals relating to schools) the first six categories of consultee are identical in every case. The authority must consult – in respect of affected schools – the Parent Council (or Combined Parent Council), the parents of pupils, the pupils (who are mature enough to be consulted), the staff and the trade unions that represent those staff. In addition the parents of children (the term “children” is used here instead of pupils because some may be of pre-school age) expected to be in attendance at any affected school within two years of the date of publication of the proposal paper are to be consulted. In addition, the lists specify that the authority must consult any community council, or community planning partnership (established under the Local Government in Scotland Act 2003) in respect of those proposals listed in paragraphs 1 to 5 of schedule 1, which are those proposals where there may be a “community interest”. The authority must also consult such other users of any affected school as the authority considers relevant, but only in cases of closure, establishment and relocation proposals (paragraphs 1, 2 and 3 of schedule 1). Such persons may be adult users of the school’s educational facilities, community users of the buildings or users of the sports facilities both indoor and outdoor. Finally, the authority must also consult such other education authorities as it considers relevant.

***Those to be consulted on a proposal to discontinue a further education centre  
(paragraph 10)***

87. Paragraph 10 of the schedule sets out a list of those who must be consulted on a proposal to discontinue a further education centre. As well as many of the categories already mentioned above – the pupils, parents, Parent Council, staff of any school whose pupils attend the centre, trade unions that represent those staff, the community council and community planning partnership – the authority in this case must also consult the centre’s staff and students, any employers of the students and finally also any other users of the centre which the authority considers relevant.

***Gaelic and denominational consultees (paragraphs 11 & 12)***

88. Where a proposal affects the provision of Gaelic medium education, Bòrd na Gàidhlig must be consulted.
89. Where a proposal affects a denominational school, the person duly authorised for the purpose by the relevant church or denominational body must be consulted.

***Meaning of expressions used in this schedule (paragraph 13)***

90. The term “community council” is defined by reference to the Local Government (Scotland) Act 1973 whilst “Parent Council” and “Combined Parent Council” are defined by reference to the Scottish Schools (Parental Involvement) Act 2006.